

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

DANIEL GONZALEZ, et al.,

Plaintiffs,

v.

COUNTY OF ALAMEDA, et al.,

Defendants.

Case No. 3:19-cv-07423-JSC

**ORDER RE: CERTIFICATION OF A
RULE 23(B)(2) CLASS**

Re: Dkt. Nos. 225, 264

On May 9, 2023, the Court denied in part and conditionally granted in part Plaintiffs' second motion for class certification. (Dkt. No. 264.) The motion was conditionally granted as to Plaintiffs' inadequate sanitation subclass on the condition Plaintiffs' counsel obtain qualified co-counsel to litigate the case with her. (*Id.* at 20.) Since the Court issued its Order, Mr. Thomas Nanney has appeared on behalf of Plaintiffs. (Dkt. No. 289.) The Court finds that with Mr. Nanney's appearance the requirements of Rule 23(a)(4) are met.

Accordingly, the Court CERTIFIES a class under Rule 23(b)(2) of all male detainees who are now, or will in the future be, subjected to the following sanitation policies and practices of Santa Rita Jail:

1. The Jail's policy requiring inmates to maintain the sanitation of their own cells and common areas, but failing to have a policy or practice which provides inmates with adequate sanitation supplies, or a policy for addressing inmates housed with those who cannot functionally maintain their own sanitation because of mental health issues, which impacts sanitation for all inmates within that congregate housing area.
2. The Jail's policy of not providing bathrooms in the common areas, and inmates' difficulties obtaining access to bathroom areas during POD or out-of-cell time.

1 Although notice is not required, *see* Fed. R. Civ. P. 23(c)(2)(A), the parties shall meet and
2 confer regarding whether notice is necessary. If the parties believe notice is necessary, they shall
3 file a joint statement with the Court by September 14, 2023.

4
5 **IT IS SO ORDERED.**

6 Dated: August 31, 2023

7
8 
9 JACQUELINE SCOTT CORLEY
United States District Judge

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
United States District Court
Northern District of California